

**California Apprenticeship Council
Rules and Regulations Standing Committee Meeting**

**State of California Building
Oakland, CA 94612
June 14, 2006**

MEMBERS PRESENT:	Aram Hodess, Chair William Callahan	Anne Quick
GUESTS PRESENT:	David Rowan Steven Powers Jack Davis Terry Seabury Trish Black Mathew Mc Connel Al Tweltridge Toni Hooper	Carol Belcher Sherri Yarbrough Lori Le Voir Chuck Downing Oscar Meier Matt Tennis Patrick Pico Dan Whooley

The meeting was called to order by the Chairman Aram Hodess.

Roll call was held. The following members were in attendance:
Commissioners Aram Hodess, Bill Callahan, and Anne Quick.
A quorum was present

The minutes of the meeting of April 27, 2006 were reviewed.
MS&C to approve as written.

Section 212.01

The Chair addressed the second item on the agenda, Minimum Industry Training Criteria. Copies of two draft revisions of Section 212.01, prepared by OD Legal were distributed. Discussion was held and it was decided to recommend adoption of draft #1.3- 04192006 with added language specifying that CAC may determine state-wide industry training criteria in the event a particular industry training committee fails to determine

minimum industry training criteria. This language to be provided by Carol Belcher at OD Legal.

MS&C to recommend this version of Section 212.01 with new language in paragraph one to be adopted by the CAC at the July 2006 quarterly meeting.

Section 212.2

The Chair asked the public members in attendance for comment. Jack Davis, attorney representing California Pipe Trades Association and California Central Valley Plasterers JATC gave a Power Point presentation on what evidence should be submitted by a program sponsor when applying for a new or expanded program. Mr. Davis stated that standardization of required evidence would ensure that all program applicants would be held to the same standards in the application process by creating a set of objective, uniform standards.

Mr. Davis also distributed a draft Check List that he suggested could be used by program sponsors and the DAS for the approval process.

Chief David Rowan stated he was concerned about unnecessary constraints to the expansion of apprenticeships, particularly into non-traditional, non-building trades arenas. Chief Rowan noted that DAS intended to conduct mandatory DAS audits of new programs and those programs with the lowest graduation rates on a particular industry basis. Chief Rowan expressed concern about what a program sponsor would be required to submit as evidence of its financial ability to support an apprenticeship program. He suggested submission of a pro forma, much like that required by a bank for a business loan.

Al Tweltridege, California Dept. of ED. commented that all new programs should have a budget plan in place to submit to the DAS. Mr. Tweltridege also noted that one size does not fit all programs.

Matt Tennis from ABC asked Carol Belcher, attorney O D Legal to describe the rulemaking process used by the CAC and if the outcome of these R&R Subcommittee meetings would require rulemaking. Carol stated that if changes to Section 212.2 were needed, yes the rulemaking procedure would have to be followed.

Mr. Tennis spoke about the existing rules that are in the regulations now and how they are applied to the unilateral programs seeking DAS approval. Mr. Tennis expressed the belief that items in the presentation made by Jack Davis were unreasonable. Mr. Tennis complained about the difficulties experienced by Merit Shop programs in getting program approvals, including legal appeals challenging such program approvals. He explained that employers could not be expected to make a financial commitment to a program before it was approved by DAS.

Mr. Tennis also stated explained that it would be unreasonable to expect employers to financially commit to supporting a 4-5 year apprenticeship program as the construction industry is unpredictable.

Chairman Hodess explained the Sub-Committee's process was to establish standardization for the evidence requirement in the Regulation to approve programs.

The Chair called on Pat Pico, Administrator of the Bay Area Sheet Metal Apprenticeship Programs who also gave a power point presentation on 212.2 requirements. Pat stated he liked Jack's check list idea and gave a summary on what items of standardization of evidence should look like. He used a sample of the electrician certification form that could be adapted for use by DAS to determine the qualification of skilled trainer as mentioned in 212.2. Comments from the public were made about Pat's presentation on journeymen's qualifications.

The Chair asked if there were any further comments from the public on this subject. He stated that the R & R standing committee would continue with the same topics at its next meeting to be held in conjunction with the July CAC.

Being no further business, the meeting was adjourned.

Respectfully Submitted,

Bryan Goyette
Staff Aide

§212.01. State-Wide Minimum Industry Training Criteria.

(a) The California Apprenticeship Council ("Council") may adopt state-wide minimum industry training criteria adopted by a particular industry training committee, established pursuant to the provisions of this section, unless the particular committee cannot establish such criteria by its deadline as provided under this section, in which case the CAC may otherwise determine state-wide minimum industry training criteria to be utilized in accordance with the provisions of this section.

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(b) The following procedures shall be followed when initially establishing the minimum industry training criteria:

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(1) A committee shall be established by the Chair of the Council for each apprenticeable construction-industry craft or trade, and may be established by the Chair of the Council for any apprenticeable non-construction industry craft or trade. The Chair shall appoint a minimum of eight (8) members in the following categories: two signatory employer representatives, two non signatory employer representatives, two signatory employee representatives, and two non signatory employee representatives. The term of each member shall be three years. The Chair may appoint additional members in the same proportion. The Chair shall appoint members from among candidates supplied by the sponsors of apprenticeship programs approved or proposed for approval under the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code ("Shelley-Maloney Act") in the particular craft or trade. The Chair shall notify all programs approved or proposed for approval under the Shelley-Maloney Act in the particular craft or trade of the Chair's intent to form

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such committee or appoint committee members at least 45 days before making such appointments, and must provide such programs with a period of at least 30 days within which to submit candidates to the Chair. Where programs do not supply sufficient candidates in the categories required to the Chair within the period provided or where there are no programs to supply candidates, the Chair may select individuals working in the particular craft or trade to complete the committee. The Chair shall endeavor to appoint members from all segments of the industry.

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(2) Committee action shall require a two-thirds majority vote of the members in attendance at a duly constituted meeting. For the purpose of this section, a duly constituted meeting shall mean that a quorum consisting of a majority of the entire committee is in attendance.

(3) The committee shall meet as often as necessary at the call of its chair. The chair of the committee shall be appointed annually by the Chair of the Council. The chair of the committee shall rotate between signatory and non signatory representatives.

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(4) The committee shall establish the state-wide minimum industry training criteria for the trade or craft for which it was established, the content of which shall

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encompass all the requirements of Section 212 of these regulations and the following topics in addition thereto: length of training, related classroom instruction, types of work processes and the skills to be learned, on-the-job training, competency testing, and apprenticeship program completion percentages. The criteria for the barbering, cosmetology, skin care and nail care trades shall be consistent with the standards for licensure in these trades required by the State Board of Barbering and Cosmetology.

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(5) The committee shall formulate the state-wide minimum industry training criteria for the applicable trade or craft no later than twelve months from the date of its first meeting, unless extended by the Council. The Council shall endeavor to complete its review of the criteria by the second regularly scheduled meeting of the Council following the submission. If the Council does not approve the criteria, the submission shall be promptly returned to the committee with the Council's written reasons and a new deadline for resubmission to the Council.

(c) Every three years following the adoption of a particular set of state-wide minimum industry training criteria, the particular committee shall meet to review the criteria, and revise it if necessary, subject to approval by the Council.

(d) Every apprenticeship program approved or proposed for approval under the Shelley-Maloney Act in a particular craft or trade for which state-wide minimum industry training criteria has been adopted shall conform to such criteria in its operations, no later than one (1) year after adoption of such criteria by the Council.

NOTE: Authority cited: Section 3071, Labor Code. References: Sections 3073, 3073.2 and 3078, Labor Code.

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